

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

DATE MAILED: 12/22/2005

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/625,686	5,686 07/24/2003		T. Richard Jow	ARL 02-27	9428	
37064	7590	12/22/2005		EXAMINER		
		IAND COUNSE	CANTELMO, GREGG			
•		IEL COMMAND	ART UNIT	PAPER NUMBER		
ATTN: AM	CCC-B-IP	,	ARTONII	FAFER NUMBER		
9301 CHAP	PEK ROAI	)	1745			
FORT BEL	VOIR, VA	A 22060-5527				

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	in No.	Applicant(s)					
		10/625,68	6	JOW ET AL.					
	Office Action Summary	Examiner		Art Unit					
		Gregg Car	ntelmo	1745					
Period fo	The MAILING DATE of this communica or Reply	ation appears on the	cover sheet w	ith the correspondence a	ddress				
WHIC - Exter after - If NO - Failu Any I	ORTENED STATUTORY PERIOD FOR CHEVER IS LONGER, FROM THE MAI nations of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this community period for reply is specified above, the maximum statute to reply within the set or extended period for reply will reply received by the Office later than three months after adpatent term adjustment. See 37 CFR 1.704(b).	LING DATE OF TH 37 CFR 1.136(a). In no eve ication. lory period will apply and will, by statute, cause the appl	IIS COMMUNI ent, however, may a II expire SIX (6) MON ication to become Al	CATION. reply be timely filed NTHS from the mailing date of this of BANDONED (35 U.S.C. § 133).					
Status									
1)	Responsive to communication(s) filed	on							
2a) <u></u>	This action is <b>FINAL</b> . 2b	) This action is n	on-final.						
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.								
Dispositi	on of Claims								
4)⊠	4)⊠ Claim(s) <u>1-21</u> is/are pending in the application.								
	4a) Of the above claim(s) is/are withdrawn from consideration.								
5)[	5) Claim(s) is/are allowed.								
6)□	6) Claim(s) is/are rejected.								
•	Claim(s) is/are objected to.								
8)⊠	Claim(s) <u>1-21</u> are subject to restriction	and/or election red	Juirement.						
Applicat	ion Papers								
9)[	The specification is objected to by the	Examiner.							
10)[	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
	Applicant may not request that any objecti								
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority (	under 35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).									
a)	a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received.								
	Certified copies of the priority documents have been received in Application No								
	3. Copies of the certified copies of the priority documents have been received in this National Stage								
	application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.									
Attachmer	nt(s)								
	ce of References Cited (PTO-892)	0.049)		Summary (PTO-413) (s)/Mail Date					
3) 🔲 Infor	ce of Draftsperson's Patent Drawing Review (PTo mation Disclosure Statement(s) (PTO-1449 or P er No(s)/Mail Date			Informal Patent Application (P)	ГО-152)				

Art Unit: 1745

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-14, drawn to a lithium electrolyte, classified in class 252, subclass 519.2.
  - Claims 15-20, drawn to a lithium battery and method of enhancing a lithium battery, classified in class 429, subclass 338.
- III. Claim 21, drawn to LiBF2C2O4, classified in class 423, subclass 1+.

  The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as an electrolyte in a capacitor and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Art Unit: 1745

- 3. Inventions III and either I or II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a lithium salt in capacitors, electrolytic devices etc. and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Groups I or III, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper.

Art Unit: 1745

5. This application contains claims directed to the following patentably distinct species of the claimed invention:

Upon election of either Groups I or II, the following election of species is required:

- a. Applicant is required to elect an ultimate species for the non-aqueous solvent;
- b. Applicant is required to elect an ultimate species for alkali metal electrolyte salt;
  - c. Applicant is required to elect an ultimate species for the additive salt;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 of Group I and claims 16 and 17 of Group II are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 1745

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is (571) 272-1283. The examiner can normally be reached on Monday to Thursday from 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. FAXES received after 4 p.m. will not be processed until the following business day. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 1745

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregg Cantelmo Primary Examiner Art Unit 1745

December 20, 2005